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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,970	03/22/2004	Richard Abramson	405000	2755

7590 06/20/2006

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EXAMINER

HARMON, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,970

Applicant(s)

ABRAMSON ET AL.

Examiner

Christopher R. Harmon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-17,24 and 25 is/are rejected.
- 7) ☐ Claim(s) 3,4 and 18-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/27/06 has been entered.

Double Patenting

2. Claim 18 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 26. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). As noted in the Advisory Action of 3/7/06 the term "integral" does not further restrict the claim construction (see also *In re Hotte* 157 U.S.P.Q. 326, *In re Kohno* 157 U.S.P.Q. 275, and *In re Dike* 157 U.S.P.Q. 581).

Claim Rejections - 35 USC § 102

1. Claims 1, 2, 5, 6, 15-17 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Eschweiler (#5,242,369).

Eschweiler shows a folding machine comprising a housing with an upper opening as shown in fig 1, a processing area including a first removable plate (fig 7) and second

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removable plate 15, 14, a paper input area 26 adjacent the first plate with a feeding mechanism 28 and a paper output area 24 for outputting the processed sheets. The plates comprise of two pieces and are attached with a stopper means as shown in fig2 with plate 12. This reads on a removable plate that is removably attached to fold plates as claimed since the plate will be removed with the removal of the stopper means.

Eschweiler shows a roller 20 mounted at the vertex of the table in a generally v-shape. Fig 7 shows the folding plate with corresponding slots so that a stopper runs through the slot means. In response to applicant's newly amended limitations, the examiner notes that the claims are interpreted in a broad context in light of the specification. The fold plate is read on means 54. The entire horizontal dimension of the fold plate 54 comprises a work area in between the removable plates 14 and 15. As shown in fig 7, feeding rollers are in between the removable plates and the end of the folding plate 54 furthest away from the removable plates 14, 15. This reads on the claimed subject matter.

Claim Rejections - 35 USC § 103

2. Claims 24, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschweiler.

Eschweiler do not show cartridge or stacking arms as claimed. However, the examiner previously recognized that replaceable cartridges and stacking arms are notoriously well known in the art. Since examiner took official notice on this previously and applicant did not contest this notion, this official notice statement is taken to be admitted as prior art as set forth in MPEP 2144.03(C).

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3. Claims 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschweiler in view of Bluthardt et al. (US 5,520,03).

Eschweiler does not show the indicia means as claimed. However, Bluthardt teaches the basic concept of using indicia means as shown in fig 1a to identify different modes of operations.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Eschweiler with indicia means as taught by Bluthardt et al to identify different modes of operation for a user. Regarding where the indicia are located is merely a matter of location of pads to enable the user to identify the different modes of operation. It has been held that there would be no invention in shifting pads to a different position since the operation of the device would not be modified. See in re Japikse, 86 USPQ 70 (CCPA 1950). Eschweiler discloses folding in half, in a z fold or standard fold which reads on including adjustment including one of folding types being claimed since a z -fold is one type of fold as claimed.

Allowable Subject Matter

4. Claims 3, 4, 18-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claim 26 is allowed.

Response to Arguments

6. Applicant's arguments filed 2/27/06 have been fully considered but they are not persuasive.

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The limitation of "and integral with" is construed in a broad context. Therefore the lower fold plate and the housing of Eschweiler are considered to be integral; see above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Chris Harmon
Patent Examiner